Minnesota Department of Natural Resources
Exotic Species Program, Division of Ecological Services
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USCG-01-10486-27

Dr. Richard Everett, Project Manager
Office of Operating and Environmental Standards
United States Coast Guard
c/o Docket Management Facility
400 Seventh St. SW
Washington, DC 20590-0001

Subject: Standards for Living Organisms in Ship's Ballast Water Discharged in U.S. Waters
33 CFR Part 151, (USCG-2001-AG21) RIN 2115-AG21

Dear Dr. Everett:

The following are comments relative to the above noted request for comments in the Federal Register.

Question 1. Should the Coast Guard adopt Goal 1, 2, or 3 or some other goal for BWT?
The Department of Natural Resources encourages the adoption of long-term goals of no discharge of biological organisms or no new introductions. Goal 1is on the right track, but it needs to be amended to include larger organisms such as vertebrates and invertebrates that are not currently mentioned. Goal 2 would also seem to be acceptable as a long-term goal. Goal 3 is not acceptable as a long-term goal.

Question 2. Should the Coast Guard adopt any of the standards (S1-S4) as an interim standard?
The Department of Natural Resources would like to see a standard likely to be superior to BWE established as an interim standard. We believe that some of the proposed standards, especially if modified, could serve as interim standards. Standards 1 (at least 95% removal, kill or inactivation of a representative species from each of six taxonomic groups) and standard 4 (discharge of no organisms larger than 50 microns in size and treat to meet criteria for contact recreation) would be acceptable. Standard 2 (remove kill or inactivate organisms larger than 100 microns in size) would <u>not</u> be acceptable because too many organisms such as zebra mussel veligers may not be eliminated. Standard 3 could be acceptable as an interim standard, but fails to mention larger organisms such as vertebrates.

The lack of any specific time table for establishing standards and implementing them is a concern. A time table should be established and we suggest the following time frame be used for implementation:

- new interim standards enacted by 2004;
- from 2004 to 2008 ballast water exchange and technologies meeting the new standard may be used;
- after 2008 all treatment methods including BWE must meet the new standard. In addition, to promote installation of new technology that would meet a new standard and to allow the companies to recapture their investment, any technologies installed that meet the interim standard should be allowed to be used for at least 5 years.

Question 3. Effectiveness of technologies. No comments.

Question 4. General comments on how to structure any cost-benefit or cost-effectiveness analysis. In regards to the cost-benefit analysis, it is important to consider all the negative externalities related to ballast water discharge or conversly all the benefits derived from new standards being implemented. The costs of introduced species resulting from ballast water discharges in the receiving waters (control costs of water using industries, damage to recreation), as well as similar costs resulting from the secondary spread to other inland waters (*e.g.*, the negative impacts of the zebra mussel and round goby to lakes and rivers) should be included. Costs generally borne by taxpayers for implementing control, research to develop control methods, and conducting efforts to prevent secondary spread should be considered and included in any cost-benefit analysis. Potential public benefits resulting from new standards and treatment of ballast water, including aethetic condsiderations, nuisances, and other intangibles (*e.g.*, not having organisms wash up on beaches, attach to boats, and reduce recreation) that are difficult to quantify and not automatically included in the market economy should be included.

Question 5. Impacts on Small businesses. No comments.

Question 6. What potential environmental impacts would the goals or standards carry? Based on our past experiences with introductions of nonindigenous organisms into U.S. Waters, progress toward goals one or two, and establishment and implementation of interim standards would provide positive environmental impacts. Improved treatment methods as alternatives to BWE, and application to currently nonregulated vessels are necessary to stop the influx of foreign invaders into U.S. waters. The invading species, including many ballast water mediated introductions, have huge economic and environmental impacts. Inaction in establishing new standards, or establishment of weak standards, threatens public resources including fisheries, aquatic communities, recreational opportunity, and could cause extirpation of aquatic species. Generally introduced species cannot be eliminated from natural aquatic habitats because there are not tools or resources necessary. Because of the inability to control many species once introduced, prevention through ballast treatment is the best and probably most cost effective means to address this problem in the nation's waters.

Sincerely,

Jay Kendall
Exotic Species Program Coordinator